

प्रेषक,

संतोष बडोनी

उप सचिव,

उत्तराखण्ड शासन।

सेवा में,

आयुक्त एवं सचिव,

राजस्व परिषद,

उत्तराखण्ड, देहरादून।

राजस्व अनुभाग-2

विषय- गौचर/चराई की भूमि को अन्य उपयोगों के लिए आवंटन/हस्तांतरण निषिद्ध किये जाने के संबंध में।

देहरादून दिनांक: 07 जुलाई 2014

महोदय,

उपर्युक्त विषयक सिविल अपील सं०-436/2011 @SLP(C) NO. 20203/2007 झारखण्ड राज्य व अन्य बनाम पाकुर जागरण मंच व अन्य में मा० सर्वोच्च न्यायालय द्वारा दिये गये आदेश दि०-जनवरी, 2011 में गौचर/चराई की भूमि को यथावत बनाये रखने के निर्देश दिये गये हैं।

इस क्रम में मुझे यह कहने का निदेश हुआ है कि कृपया गौचर/चराई की भूमियों को शासन की विभिन्न योजनाओं/निर्माण कार्यों अथवा अन्य आवेदकों को आवंटन के प्रस्तावों पर कोई विचार न किया जाये एवं न ही ऐसी भूमि के आवंटन/हस्तांतरण का शासन को कोई प्रस्ताव उपलब्ध कराया जाये। केवल लोक प्रयोजन हेतु अपरिहार्य स्थितियों में उक्त आदेश के बिन्दु सं०-15. We should however note that such de-reservation of any government land reserved as gochar, should only be in exceptional circumstances and for valid reasons, having regard to the importance of gochar in every village. Any attempt by either the villagers of others to encroach upon or illegally convert the gochar to house plots or other non-grazing use should be resisted and firmly dealt with. Any requirement of land for any public purpose should be met from available waste or unutilized land in the village and not gochar. Whenever it becomes inevitable of necessary to de-reserve any gochar for any public purpose (which as stated above should be as a last resort), the following procedure contemplated in Regulations 24 and 25 and section 38(2) should be strictly followed:

- (a) The jurisdictional Deputy Commissioner shall prepare a note/report giving the reasons why the gochar had been identified for any non-grazing public purpose and record the non-availability of other suitable land for such public purpose. Deputy Commissioner shall send the said proposal for de-reservation to the State government for its previous sanction.
- (b) The state government should consider the request for sanction keeping in view the object of gochar and the need for maintaining a minimum of five percent of village area as gochar, and call for suggestions/objections from the villagers before granting sanction.

(c) If the state Government grants the sanction, the Deputy Commissioner should proceed to make an order de-reserving, the gochar by making appropriate entries in the record-of-rights and re-classifying the same for the purpose for which it was de-reserved.

(d) Whenever the gochar in a village is de-reserved and diverted to non-grazing use, simultaneously or at least immediately thereafter the State should make available alternative land as gochar, in a manner and to an extent that the gochar continues to be not less than 5% of the total extent of the village as provided under section 38(2) of the Tenancy Act.

When the gochar is not government land, but is village common land vesting in the villagers and not the government, the consent of village headman and the Jamabandi Raiyats/villagers in whom the land vest shall have to be obtained, before de-reservation and diversion of use of gochar.

* में दी गई व्यवस्था/प्रक्रिया के अंतर्गत ही भूमि आवंटन/हस्तांतरण का प्रस्ताव शासन को उपलब्ध कराया जाये। कृपया तदनुसार अनुपालन सुनिश्चित करने का कष्ट करें।


भवदीय,

(सतोष बडोनी)
उप सचिव।

पृ०प०संख्या- 1332/समदिनांकित/2014

प्रतिलिपि- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. आयुक्त, गढ़वाल/कुमाऊं मण्डल, उत्तराखण्ड।
2. समस्त जिलाधिकारी, उत्तराखण्ड।

आज्ञा से,

(आलोक कुमार सिंह)
अनु सचिव।